

BOARD OF APPEALS CASE NO. 5072

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BEFORE THE

APPLICANT: St. Ignatius Church

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a detached
garage within the required setback;
533 East Jarrettsville Road, Forest Hill**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/2/00 & 8/9/00

HEARING DATE: September 6, 2000

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Record: 8/4/00 & 8/11/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, St. Ignatius Church, is seeking a variance pursuant to Section 267-36B, Table V, of the Harford County Code to construct a garage/storage building within the required 40 foot side yard setback (30 feet proposed) in an R2 Urban Residential District.

The subject property is located at 533 East Jarrettsville Road, Forest Hill, Maryland 21050 and is more particularly identified on Tax Map 41, Grid 1A, Parcel 235. The subject parcel consists of 10.88 acres, is zoned R2/Urban Residential and is located entirely within the Third Election District.

Mr. Robert Lehr appeared as representative of the Church. Mr. Lehr explained that the parish intended to construct a garage that would house 3 cars and provide for storage of various items. It needs to be wide enough to accommodate 3 cars and stairs that lead up to a loft storage area. Mr. Lehr described the topographical features of the property and characterized them as unique constraints upon the location of the garage. The storm water management area is located beneath the parking area so none of that area is available. There is a wetlands area to the rear and various structures already in place on the property. While there is available space to the front, it would result in an aesthetically unacceptable appearance if the garage were placed in front of the Church. The proposed location backs up to a 250 buffer between the Church property and commercially zoned and used property. Mr. Lehr did not believe any adverse impact would result and it would be a hardship if a garage could not be erected in a location that would not destroy the appearance of the church.

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Mr. Anthony McClune appeared on behalf of the Department of Planning and Zoning (Department). Mr. McClune testified that the subject property has unique topographical features that act to constrain the possible location of any structure. These include existing wetlands and the location of the storm water management under the parking area. Mr. McClune indicated that if this were a CI zoned property only a 20-foot buffer would be required. Since the adjoining property is zoned CI the 10-foot reduction to 30 feet is a minimal relaxation of the standard that will have no adverse impact on any neighboring properties. Because of the wooded buffer and the location of adjacent CI property, the spirit and intent of the zoning code will be satisfied if the application is granted.

CONCLUSION:

Section 267-36B, Table V, of the Harford County Code requires a 40-foot side yard setback. The Applicant seeks a variance to place a garage within this 40-foot area resulting in a 30-foot setback after construction.

Section 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

The Hearing Examiner agrees with the testimony of both of the witnesses. This property has unique topographical features that constrain possible building locations. The reduction in setback is minimal and will have no impact whatsoever on adjoining properties. The property adjoins a CI zoned parcel and there exists a 250 foot forested buffer between the church use and the commercial use. The purposes of the zoning code will not be impaired nor will the health, safety or welfare of any neighboring property owners be adversely impacted.

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The Hearing Examiner recommends approval of the application herein, subject to the following conditions:

1. The Applicant obtains all necessary permits and inspections.
2. The Applicant submit a site plan to the Department of Planning and Zoning for review and approval.

Date **SEPTEMBER 20, 2000**

William F. Casey
Zoning Hearing Examiner